

Application Number 10/657,949
Amendment dated November 12, 2004
Responsive to Office Action mailed August 11, 2004

REMARKS

This amendment is responsive to the Office Action dated August 11, 2004. Applicant has amended claims 1, 14, 17 and 22. Claims 16, 23 and 25 are cancelled. New claims 26-31 are added. Claims 1-15, 17-22, 24 and 26-31 are pending.

Allowable Subject Matter

In the Office Action, the Examiner objected to claims 4, 16-18, and 25 as being dependent upon a rejected base claim, but indicated that they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, claim 1 has been amended to recite that the tray is "metallic" (see the specification at page 10, paragraph [0051]), claim 14 has been amended to include the limitation of claim 16, and claim 22 has been amended to include the limitations of claims 23 and 25.

Applicant respectfully submits that pending claims 1-3, 5-15, 17-22 and 24 are in condition for allowance.

New Claims 26-31

New claims 26-31 have been added. New independent claim 26 recites that "the tray and the cap are stable to repeated sterilization processes". Support for this new claim language can be found in the specification at page 2, paragraph [0006], page 5, paragraph [0028], and page 6, paragraph [0030], for example.

The applied references fail to disclose or suggest the inventions defined by Applicant's new claims, and provide no teaching that would have suggested the desirability of modification to arrive at the claimed inventions. As one example, the references both teach use of a sterile drape that is designed to be disposable after a single use. See, for example, Faries, Jr. et al. ('058) at col. 12, lines 20-24; Faries, Jr. et al. ('328) at col. 7, lines 59-62; and Marshall ('322) in the Abstract, lines 6-9; col. 2, lines 6-12; and col. 3, lines 9-10.

In contrast, the cover system of claim 26 is intended to be sterilizable and reusable (see the specification at page 10, paragraph [0046]). The applied references therefore fail to disclose or suggest a cover system that is stable to repeated sterilization procedures, as required by new independent claim 26. New claims 26-31 are therefore in condition for allowance.

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CONCLUSION

All claims in this application are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of all pending claims. Please charge any additional fees or credit any overpayment to deposit account number 50-1778. The Examiner is invited to telephone the below-signed attorney to discuss this application.

Date:

November 12, 2004

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